



Mailing Date: April 2, 2019

Mackenzie Farkus
MuckRock News
DEPT MR 69641
411A Highland Avenue
Somerville, MA 02144-2516

Re: Right-to-Know Law Request No. 19-0191

Dear Requestor:

This letter follows the Pennsylvania Department of Transportation's ("PennDOT") correspondence acknowledging receipt of your written correspondence, which was processed under the Pennsylvania Right-to-Know Law ("RTKL"), 65 P.S. § 67.101 *et seq.* PennDOT's Office of Open Records logged your correspondence as received on February 25, 2019. We mailed a letter to you on March 4, 2019 providing notice that we required a thirty (30) days' extension, as permitted by the RTKL. This response is provided pursuant to that extension. A copy of your correspondence is enclosed.

You requested "[r]ecords that contain information on how many specialty [']Choose Life['] license plates were sold from 1997 onwards."

PennDOT does not possess a record that contains the data you requested, namely because there is not a record showing the total number of plates sold. The total number of active plates changes over time with various vehicle transactions and we only possess the present count detailed below. Moreover, PennDOT does not possess a report reflecting the total revenue generated for this particular plate; and even then, the organization determines and charges a fee from which PennDOT receives its fee. Accordingly, PennDOT does not possess any records reflecting the total revenue from sales and amounts dispersed to Choose Life. Under the RTKL, PennDOT is not "required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format, or organize a record." 65 P.S. § 67.705

Importantly, the structure of PennDOT's Driver and Vehicle Services database, in which a portion of the information you requested is stored, does not make the data requested readily accessible for the creation of a report with the parameters that you have requested. To respond to your request, PennDOT would be required to develop a program to draw data from the mainframe database and compile the requested information through a system-wide search of all driver records. That information would then have to be transferred into a data warehouse, i.e., a relational database, capable of being further refined per the parameters that you have set forth.

However, under the Vehicle Code, as compared to the RTKL, PennDOT may be able to create a customized report for you, which would provide the information being requested. Under the Vehicle Code, PennDOT is authorized to collect a reasonable fee for compiling data and statistical information. *See*

Section 1955(b) of the Pennsylvania Vehicle Code. Under Section 1955(b), the fee for compiling such data is \$100.00 per hour. It is estimated that the programming time to create a report is two (2) hours for a total cost estimate of \$200.00.

If you request to have this customized report generated under the Vehicle Code, please contact Penni Bernard at 717-787-2171.

Outside the RTKL and as a matter of courtesy, please be advised that as of February 4, 2019, there were 923 active Choose Life license plates.

You may have a right to appeal this response in writing to the Executive Director, Office of Open Records (OOR), 333 Market Street, 16th Floor, Harrisburg, PA 17101-2234. If you choose to file an appeal you must do so within fifteen (15) business days of the mailing date of this response and send to the OOR:

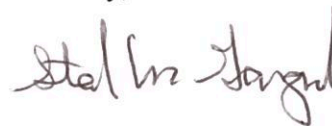
- 1) this response;
- 2) your request; and
- 3) the reason why you think the agency is incorrect in its response.

Additionally, the OOR has an appeal form available on the OOR website at:

<http://www.openrecords.pa.gov/Appeals/AppealForm.cfm>

Please be advised that this correspondence will serve to close your RTKL request with our office as permitted by law.

Sincerely,



S. Gargiulo
Agency Open Records Officer
PENNDOT-RightToKnow@pa.gov